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ALEX VILLANUEVA

**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALEX VILLANUEVA,

Plaintiff,

vs.

COUNTY OF LOS ANGELES,  
COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT, LOS  
ANGELES COUNTY BOARD OF  
SUPERVISORS, COUNTY EQUITY  
OVERSIGHT PANEL, LOS  
ANGELES COUNTY OFFICE OF  
INSPECTOR GENERAL,  
CONSTANCE KOMOROSKI,  
MERCEDES CRUZ, ROBERTA  
YANG, LAURA LECRIVAIN,  
SERGIO V. ESCOBEDO, RON  
KOPPERUD, ROBERT G. LUNA,  
MAX-GUSTAF HUNTSMAN,  
ESTHER LIM, and DOES 1 to 100,  
inclusive,

Defendants.

Case No.: 2:24-cv-04979-SVW-JC

**[Assigned to Honorable Stephen V. Wilson  
and Magistrate Judge Jacqueline  
Chooljian]**

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION *IN LIMINE*  
NO. 5 to EXCLUDE POST**

Date: May 26, 2025  
Time: 1:30 p.m.  
Dept.: 10A

Trial Date: June 3, 2025  
Action Filed: June 13, 2024

**MEMORANDUM OF POINTS AND AUTHORITIES**

**1. INTRODUCTION**

Plaintiff Alex Villanueva respectfully opposes Defendants' Motion in *Limine* No. 5 seeking exclusion of evidence related to POST on the following grounds:

**A. All Documents Related to POST Were Produced by Plaintiff:**

Contrary to Defendants' assertion of surprise or prejudice, Plaintiff produced all documents relating to communications from the California Commission on Peace Officer Standards and Training ("POST"). Defendants cannot credibly claim any unfair prejudice as these documents were timely disclosed and fully available to them during discovery.

**B. Evidence from POST Is Highly Relevant:**

The documents from POST are relevant and admissible because they demonstrate Defendants' animus and active efforts to undermine and destroy Plaintiff's professional career. The core of Plaintiff's First Amendment retaliation claim is that Defendants, motivated by Plaintiff's protected speech, placed a "Do Not Hire" notation in his personnel file, damaging his employment opportunities and professional reputation. Defendants have contended that Plaintiff's career has not been adversely affected, arguing implicitly that their retaliatory conduct caused no real harm. Plaintiff is entitled to refute this argument by showing it was not for lack of Defendants' deliberate attempts.

The POST letters constitute direct evidence that Defendants communicated negative and misleading information about Plaintiff, clearly aiming to tarnish his professional reputation and prospects. While POST ultimately concluded Plaintiff did not engage in misconduct, Defendants' malicious intent in making the referrals is directly probative of retaliation.

**C. The Evidence from POST Is Not Hearsay:**

Contrary to Defendants' hearsay objection, Plaintiff does not offer POST communications for the truth of their content but rather to demonstrate Defendants' retaliatory motive, intent, and state of mind. Out-of-court statements offered to show

1 animus, intent, or motivation are not hearsay under Federal Rule of Evidence 801(c), as  
2 they are not offered for the truth of the matter asserted.

3 Further, the POST letters are not hearsay because they are the factual result of a  
4 legally authorized investigation (FRE 803(A)(3)).


5 Further, any minimal risk of prejudice or confusion under Federal Rule of Evidence  
6 403 is far outweighed by the probative value of demonstrating Defendants' sustained  
7 campaign of retaliation and animus toward Plaintiff. This evidence is essential for Plaintiff  
8 to fairly present his case and for the jury to fully evaluate Defendants' conduct and intent.

9 For the foregoing reasons, Plaintiff respectfully requests that the Court deny  
10 Defendants' Motion in *Limine* No. 5 and permit Plaintiff to introduce evidence related to  
11 POST at trial.

12 Plaintiff respectfully requests this motion be denied.

13 Dated: May 5, 2025

SHEGERIAN & ASSOCIATES, INC.

14  
15 By:   
16 Alex DiBona, Esq.

17 Attorneys for Plaintiff,  
ALEX VILLANUEVA

VILLANUEVA V. COUNTY OF LOS ANGELES, et al. USDC Case No. 2:24-cv-04979-SVW-JC

**PROOF OF SERVICE**

**UNITED STATES DISTRICT COURT,  
CENTRAL DISTRICT OF CALIFORNIA**

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11520 San Vicente Boulevard Los Angeles, California 90049.

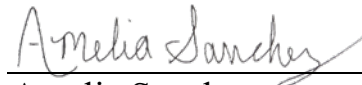
On May 5, 2025, I served the foregoing document, described as **“PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION *IN LIMINE* NO. 5 to EXCLUDE POST”** on all interested parties in this action as follows:

**Louis R. Miller, Esq.  
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☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 5, 2025, at Los Angeles, California

  
\_\_\_\_\_  
Amelia Sanchez